

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ELAINE PELCHY,
Plaintiff

v.

Civil Action No. 5:07-CV-277
(NAM/DEP)

UNITED STATES OF AMERICA and
U.S. GENERAL SERVICES
ADMINISTRATION,
Defendants.

STIPULATION OF COMPROMISE SETTLEMENT

It is hereby stipulated by and between ELAINE PELCHY, plaintiff, and the UNITED STATES OF AMERICA, defendant, and the U.S. GENERAL SERVICES ADMINISTRATION, nominal defendant, by and through their respective attorneys, as follows:

1. The parties do hereby agree to settle and compromise the above-entitled action under the terms and conditions set forth herein.
2. No party hereto is an infant or an incompetent for whom a guardian has been appointed.
3. This Stipulation for Compromise Settlement is entered into by the parties for the purpose of compromising disputed claims and avoiding the expenses and risks of litigation, and shall not constitute an admission of liability or fault on the part of the United States, its agents, agencies, servants, or employees.
4. The UNITED STATES OF AMERICA, defendant, agrees to pay to the plaintiff the sum of Fifteen Thousand Dollars (\$ 15,000.00), which sum shall be in full settlement and satisfaction of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, arising from, and by reason of any and all known and unknown,

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foreseen and unforeseen bodily and personal injuries, damage to property and the consequences thereof, resulting, and to result, from the same subject matter that gave rise to the above-captioned lawsuit, including any claims for wrongful death, which plaintiff or her heirs, executors, administrators, or assigns, and each of them, now has or may hereafter acquire against the United States of America, its agents, servants, and employees.

5. Plaintiff and her heirs, executors, administrators, or assigns, hereby agrees to accept the sum of Fifteen Thousand Dollars (\$ 15,000.00) in full settlement and satisfaction of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, arising from, and by reason of any and all known and unknown, foreseen and unforeseen bodily and personal injuries, damage to property and the consequences thereof which plaintiff has or may have or may hereafter acquire against the UNITED STATES OF AMERICA, its agents, servants and employees on account of the same subject matter that gave rise to the above-captioned lawsuit, including any future claim for wrongful death.

6. It is agreed, by and among the parties, that the settlement sum of Fifteen Thousand Dollars (\$ 15,000.00) represents the entire amount of the compromise settlement in the captioned civil action and that the respective parties will each bear their own costs, fees, and expenses, and that any attorneys fees owed by the plaintiff will be paid out of the settlement amount and not in addition thereto.

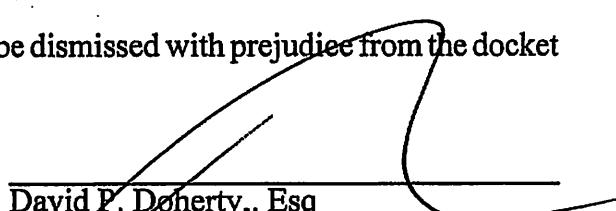
7. It is also understood by and among the parties that, pursuant to Title 28 United States Code § 2678, attorneys' fees for services rendered in connection with this civil action may not exceed 25 per centum of the amount of the compromise settlement.

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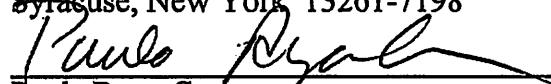
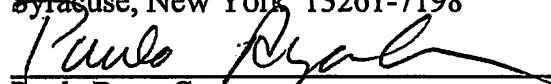
8. Payment of the settlement amount will be made by a check drawn on the Treasury of the United States of America for Fifteen Thousand Dollars (\$ 15,000.00) and made payable to Ali, Pappas & Cox, P.C., attorneys for plaintiff Elaine Pelchy.

9. In consideration of the payment of Fifteen Thousand Dollars (\$ 15,000.00) plaintiff agrees that she will execute and file with the Court such documents as shall be necessary to cause the above-captioned action to be dismissed with prejudice from the docket of the Court.

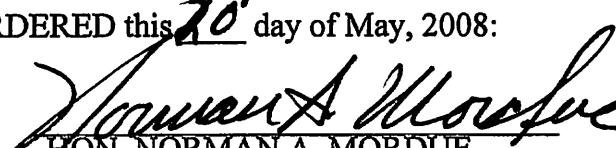
Dated MAY 12, 2008


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Attorneys for Plaintiff Elaine Pelchy

Dated: May 20, 2008


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Assistant U. S. Attorney
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Attorneys for defendant United States of America

APPROVED and SO ORDERED this 20th day of May, 2008:


HON. NORMAN A. MORDUE
Chief U.S. District Court Judge